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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/688,824   | 10/17/2003  | Kimothy C. Levia     | KTL.P/US0017        | 2391             |
| 7590 11/17/2005  |             |                      | EXAMINER            |                  |
| Rodney L. Skoglund<br>Renner, Kenner, Greive, Bobak, Taylor & Weber<br>Fourth Floor<br>First National Tower<br>Akron, OH 44308 |             |                      | GREENE, DANA D      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3762                |                  |
| DATE MAILED: 11/17/2005  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/688,824

Applicant(s)

LEVIA, KIMOTHY C.

Examiner

Dana D. Greene

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Munro (US 5,957,849, hereinafter “Munro”). Munro is considered to disclose:

a telescoping sound-conducting shaft having a fixed end opposite a distal end (see col. 9, ln. 13-20, Munro). The disclosed catheter is considered to anticipate the claimed sound-conducting shaft because both have a distal end from which at least the operative tip of the implement and probe/transducer extend;

a sound probe at said distal end of said telescoping sound-conducting shaft (see col. 7, ln. 13-31, Munro). The disclosed transducer is considered to anticipate the claimed sound probe because both process reflected sound waves;

a housing retaining said fixed end of said telescoping sound-conducting shaft, such that said sound probe may be selectively positioned at different distances from said housing (see col. 9, ln. 13-30, Munro). The disclosed housing is considered to anticipate the claimed housing because both configurations are capable of holding the implement and shaft for subsequent contact.

With reference to claim 2, Munro is considered to disclose:

a stethoscope further comprising a trigger switch (see col. 14, ln. 65 – col. 15, ln. 5, Munro). The disclosed trigger is considered to anticipate the claimed trigger switch because both may be provided at the grip portion at a position for actuation by a hand gripping the grip portion, much like a trigger of a pistol.

With reference to claims 8-10, Munro is considered to disclose:

a sound-conducting shaft having a fixed end and a distal end (see col. 9, ln. 13-20, Munro). The disclosed catheter is considered to anticipate the claimed sound-conducting shaft because both have a distal end from which at least the operative tip of the implement and probe/transducer extend;

a sound probe at said distal end of said telescoping sound-conducting shaft (see col. 7, ln. 13-31, Munro). The disclosed transducer is considered to anticipate the claimed sound probe because both process reflected sound waves;

a housing including a barrel portion that retains said fixed end of said sound-conducting shaft defines a substantially straight line from said fixed end to said distal end (see col. 9, ln. 13-30, Munro). The disclosed housing is considered to anticipate the claimed housing because both configurations are capable of holding the implement and shaft for subsequent contact;

a sight light positioned in said barrel portion to shine along said substantially straight line defined by said sound-conducting shaft (see col. 10, ln. 20-36, Munro). The disclosed light source is considered to anticipate the claimed sight light because project light and are provided to shine along the shaft.

Referring to claims 2,4, and 11, Munro is considered to disclose:

a sound-conducting shaft having a fixed end and a distal end (see col. 9, ln. 13-20, Munro). The disclosed catheter is considered to anticipate the claimed sound-conducting shaft because both have a distal end from which at least the operative tip of the implement and probe/transducer extend;

a sound probe at said distal end of said telescoping sound-conducting shaft (see col. 7, ln. 13-31, Munro). The disclosed transducer is considered to anticipate the claimed sound probe because both process reflected sound waves;

a housing including:

a barrel portion that retains said fixed end of said sound-conducting shaft such that said sound-conducting shaft defines a substantially straight line from said fixed end to said distal end (see col. 9, ln. 13-30, Munro). The disclosed housing is considered to anticipate the claimed housing because both configurations are capable of holding the implement and shaft for subsequent contact;

a stock portion extending downwardly from said stock portion at from about 90 to 150 degrees to said substantially straight line defined by said sound-conducting shaft (see figure 3, Munro). The disclosed handle 310 is considered to anticipate the claimed stock portion because both extend downwardly and both are configured to give the stethoscope a pistol-like design with functional benefits derived from such configuration.

With reference to claims 5-7, Munro is considered to disclose:

the stethoscope, further comprising a microphone functionally communicating with said fixed end of said telescoping sound conducting shaft to read sound data conducted through said telescoping sound-conducting shaft (see col. 6, ln. 32-42,

Munro). The disclosed microphone is considered to anticipate the claimed microphone because both receive data that can identify a point.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana D. Greene whose telephone number is (571) 272-7138. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dana D. Greene

  
George Manuel  
Primary Examiner